

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

McKESSON AUTOMATION, INC.,

Plaintiff,

v.

SWISSLOG ITALIA S.P.A,  
TRANSLOGIC CORPORATION

Defendants.

CA No. 06-028 (KAJ)

JURY TRIAL OF  
TWELVE DEMANDED

**PLAINTIFF McKESSON AUTOMATION, INC.'S REPLY TO  
DEFENDANT SWISSLOG ITALIA S.P.A.'s COUNTERCLAIMS**

Plaintiff McKesson Automation, Inc. ("McKesson" or "Counterclaim Defendant") by and through the undersigned attorneys, hereby states its Reply to Defendant Swisslog Italia S.P.A.'s ("Swisslog") Counterclaims, and admits, denies, and alleges as follows:

**JURISDICTION AND VENUE**

31. McKesson admits the allegations set forth in paragraph 31 with respect to subject matter jurisdiction and venue, to the extent that Swisslog's First and Second Counterclaims are alleged as relating to the patent infringement asserted in the First Amended Complaint.

**THE PARTIES**

32. Upon information and belief, McKesson admits the allegations in paragraph 32.
33. McKesson admits the allegations in paragraph 33.

**FIRST COUNTERCLAIM**  
(Declaratory Judgment of Invalidity)

34. In responding to paragraph 34, McKesson repeats and realleges its previous responses to paragraphs 31 – 33, as if fully set forth herein.

35. McKesson denies the allegations in paragraph 35.

36. McKesson denies the allegations in paragraph 36.

**SECOND COUNTERCLAIM**  
(Declaratory Judgment of Non-Infringement)

37. In responding to paragraph 37, McKesson repeats and realleges its previous responses to paragraphs 31 – 36, as if fully set forth herein.

38. McKesson denies the allegations in paragraph 38.

39. McKesson denies the allegations in paragraph 39.

**RESPONSE TO SWISSLOG'S PRAYER FOR RELIEF**

McKesson denies that Swisslog is entitled to any relief as plead in the Prayer for Relief, or any relief whatsoever for its wrongful and unlawful actions.

**PRAYER FOR RELIEF**

WHEREFORE, the Counterclaim Defendant prays for judgment against Swisslog as follows:

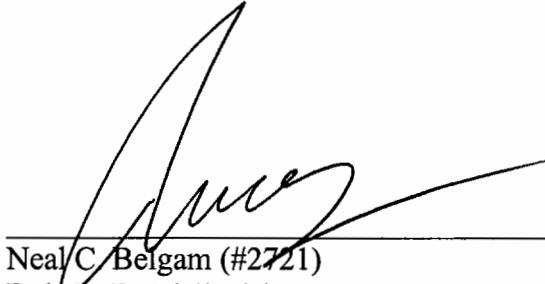
- A. That Swisslog takes nothing by way of its Counterclaims and the relief sought by Swisslog be denied;
- B. That the Counterclaims be dismissed with prejudice in their entirety;
- C. For judgment in favor of the Counterclaim Defendant on the Counterclaims;
- D. For costs, including such reasonable attorneys' fees as the Court may find recoverable; and

E. For such further or alternate relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), McKesson hereby demands a jury trial on all triable issues raised in this action.

Dated: July 18, 2006

A handwritten signature in black ink, appearing to read 'Neal C. Belgam', is written over a horizontal line.

Neal C. Belgam (#2721)  
Dale R. Dubé (2863)  
BLANK ROME LLP  
Chase Manhattan Centre  
1201 Market Street, Suite 800  
Wilmington, DE 19801  
Tel.: (302) 425-6472  
Fax.: (302) 425-6464

Blair M. Jacobs  
Robert A. Gutkin  
Christina A. Ondrick  
SUTHERLAND ASBILL & BRENNAN LLP  
1275 Pennsylvania Avenue, NW  
Washington, DC 20004  
Tel.: (202) 383-0100  
Fax.: (202) 637-3593

*Attorneys for Plaintiff McKesson Automation, Inc.*

**CERTIFICATE OF SERVICE**

I, Neal C. Belgam, Esquire, do hereby certify that on this 18th day of July, 2006, I caused copies of PLAINTIFF MCKESSON AUTOMATION, INC.'S REPLY TO DEFENDANT SWISSLOG ITALIA S.P.A. COUNTERCLAIMS to be served in the manners indicated upon the following:

**VIA ELECTRONIC FILING**

Julia Heaney, Esquire  
Morris, Nichols, Arsht & Tunnell LLP  
1201 N. Market Street  
Wilmington, DE 19801

**VIA FEDERAL EXPRESS**

Richard LaCava, Esquire  
Lawrence C. Drucker, Esquire  
Alfred Fabricant, Esquire  
Dickstein Shapiro Morin & Oshinsky LLP  
1177 Avenue of the Americas  
New York, NY 10036

By: 

\_\_\_\_\_  
Neal C. Belgam (DE # 2721)